

REMARKS

Claims 1-19 are pending in this application. Claims 11, 15 and 19 are objected to because of informalities. Claims 4, 10, 14 and 18 are rejected under 35 U.S.C. 112. Claims 1-2, 5-7, 12 and 16 are rejected under 35 U.S.C. 102(e). Claims 3, 8-9, 11, 13, 15, 17 and 19 are rejected under 35 U.S.C. 103(a). Claims 4, 10, 14 and 18 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112.

Claims 11, 15 and 19 are objected to because of informalities. The Office Action dated June 14, 2004, states that in our previous response we did not respond to this objection. See response below.

Reconsideration is requested. Claims 11, 15 and 19 have been amended. Claims 4, 10, 14 and 18 were also amended. A previous amendment (dated 3/26/04 and in response to the action dated 9/26/03) to claims 4, 10, 14 and 18 was not entered. The previous amendment was in response to an office action inadvertently mailed to the wrong address, a new mailing date was solicited. The un-entered amendments are remade in this amendment and response. No new subject matter has been added.

Claim Objections

Claims 11, 15 and 19 are objected to because of the following informalities. In claim 11, line 10, the phrase "... a defined protocol." Should be --said defined protocol -- for clarity.

Similar problem exists in claim 15, line 11; claim 19 line 12.

The objected language has been deleted from the claims for reasons not related to patentability. Please withdraw objections to claims 11, 15 and 19 as moot.

Claim Rejections – 35 U.S.C. § 112

Claims 4, 10, 14 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Note: claims 4, 10, 14 and 18 were previously amended (in amendment dated 3/26/04) in response to the Office Action dated 9/26/03, and the amendment was not entered.

Applicant has re-amended the claims to overcome the rejection under 35 USC 112.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-2, 5-7, 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,614,784 to Glitho et al. (hereinafter "Glitho").

Claim 1 recites in part "a protocol... that provides supplemental services messaging *between the gatekeeper and the intelligent peripheral*, said protocol conveying a *request from the gatekeeper to the intelligent peripheral and a response from the intelligent peripheral to the gatekeeper*";. Claim 1 therefore recites at least a brokerage between a gatekeeper and an intelligent peripheral, for services. In Glitho, the services are controlled by a separate SCP service node, that is control does not exist in the gatekeeper or the intelligent terminal, let alone in a brokerage between them. Therefore claim 1 is in condition for allowance. Since dependent claims necessarily contain the limitations of claims from which they depend, claim 2 is also in condition for allowance.

Claim 5 recites in part "an apparatus comprising: an invocation mechanism *within a gatekeeper* for setting a defined task *to an intelligent peripheral* via in-band signaling, and a performance mechanism *within the intelligent peripheral responsive to said invocation mechanism* for performing the defined task." Claim 5 therefore recites at least a brokerage between a gatekeeper and an intelligent peripheral, for services. In Glitho, the services are controlled by a separate SCP service node, that is control does not exist in the gatekeeper or the intelligent terminal, let alone in a brokerage between them. Therefore claim 5 is in condition for allowance. Since dependent claims necessarily contain the limitations of claims from which they depend, claims 6-7 are also in condition for allowance.

Claim 12 depends from claim 11 which recites in part, "configuring the *gatekeeper as a supplemental services provider (SSP)* under International H.450 standard." Glitho does not disclose the gatekeeper in this role but instead teaches a service node (408) that is required to control services. Therefore claim 11 and therefore claim 12 is in condition for allowance. Claim 16 depends from claim 15 which contains similar limitations to claim 11, but in Beauregard claim format. Glitho still does not disclose the gatekeeper in this role but instead teaches a service node (408) that is required to control services, therefore claim 16 is in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

Claims 3, 8-9, 11, 13, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho in view of U.S. Pat. No. 6, 449,260 to Sassin et al (hereinafter "Sassin"). Claim 3 depends from claim 1, claims 8-9 depend on claim 5, claim 13 depends

from claim 11, claim 17 depends from claim 15, and claims 11, 15 and 19 contain limitations which Glitho was deficient in showing and were subsequently not cured by Sassin. Claims 1, 5, 11, and 15 were shown above be allowable over Glitho. Sassin fails to cure the deficiencies of Glitho and thus all independent claims are allowable over Glitho in view of Sassin. Since dependent claims necessarily contain the limitations from which they depend, all dependent claims are in condition for allowance. Section 5 of the office action did not argue claim 19 was anticipated by Glitho (as was stated in section 6 of the action dated 4/02/2004). Nonetheless, Sassin does not cure deficiencies of Glitho, considering if it were argued for claim 19, and therefore the combination of Sassin and Glitho does not render claim 19 obvious. Claims 3, 8-9, 11, 13, 15, 17 and 19 are therefore in condition for allowance over Glitho in view of Sassin.

Allowable Subject Matter

Claims 4, 10, 14 and 18 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, second paragraph, stated above and to include all of the limitations of the base claim and any intervening claims.

Claims 4, 10, 14 and 18 have been rewritten in independent form and are now in condition for allowance.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-19 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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Signature

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